

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 18, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 11, 2006.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on April 11, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, April 18, 2006.**

MOTION: Heier moved and Hudkins seconded approval of all claims processed through April 18, 2006. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

A. Application for Corporate Manager for Jason R. Thiesen in connection with a Class ID (Spirits, Wine, Beer, On and Off Sale Only) liquor license for Firethorn Golf Company, L.L.C. d/b/a Firethorn Golf Club located at 9301 Firethorn Lane, Lincoln, Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The Deputy Clerk administered the oath to James R. Thiesen, applicant for Corporate Manager.

Stevens noted that the application indicates Thiesen as being female.

Thiesen indicated that was an error.

In response to a question asked by Stevens regarding an unresolved matter with the Sheriff's Office, Thiesen indicated that the Sheriff's Office has the requested information needed.

Hudkins asked Thiesen if he had completed a hospitality training course.

Thiesen responded he had not completed the course, however, he would be willing to do so.

Workman asked if other employees at Firethorn dispensing alcoholic beverages would be willing to complete a hospitality training course.

Thiesen responded yes.

The Deputy Clerk administered the oath to Mark Wible, managing member at Firethorn.

In response to a question asked by Schorr, Wible stated it has been the history at Firethorn to list the chef as the manager of the area.

3) **PUBLIC HEARINGS CONTINUED:**

The Deputy Clerk administered the oath to Bill Jarrett, Chief Deputy County Sheriff.

In response to a question asked by Hudkins, Jarrett stated they did receive the requested information.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Heier moved and Hudkins seconded to recommend approval of an application for Corporate Manager for Jason R. Thiesen in connection with a Class ID (Spirits, Wine, Beer, On and Off Sale Only) liquor license for Firethorn Golf Company, L.L.C. d/b/a Firethorn Golf Club located at 9301 Firethorn Lane, Lincoln, Lancaster County, Nebraska with a correction that the application be changed from female to male and that a hospitality training course be completed. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

B. Application for Corporate Manager for Candi Ryan and a new application for a Class C (Spirits, Wine, Beer On & Off Sale) liquor license for Ron's Pub, Inc. d/b/a Ron's Place located at 13940 East "O" Street in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The Deputy Clerk administered the oath to Candi Ryan, applicant for Corporate Manager.

Hudkins asked if there was a need for additional liquor establishments.

Ryan stated there are a lot of new homes being constructed on East "O" Street and the commercial properties need to be increased.

In response to a question asked by Hudkins regarding experience, Ryan stated it had been many years since she worked in a bar, however, she did previously work at the Prospector as a bartender. She added that she did recently complete a hospitality training course.

3) **PUBLIC HEARINGS CONTINUED:**

Heier expressed concern regarding Ryan's criminal record.

The Chair asked if anyone else wished to provide testimony.

Chief Deputy Sheriff, Bill Jarrett, stated another application for Blue Collar, Inc. is set for public hearing next week. He said both Ron's Place and Blue Collar Liquor have the same address although they appear to be different businesses and expressed concern that one business will be both on and off sale liquor and the other business is off sale only. In essence, there will be two businesses both selling off sale liquor.

Ryan stated Blue Collar Liquor will be a liquor store and Ron's Pub will be a bar. Blue Collar Liquor will be located in Suite 1 with Ron's Pub to be located in Suite A. Ryan also added that the name on the application should be Ron's Pub, Inc. d/b/a Ron's Pub in Stevens Creek Place.

The Deputy Clerk administered the oath to Ron Skoda, owner of Ron's Place.

Heier asked Skoda if he would be completing a hospitality training course.

Skoda responded yes.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was recessed for one week.

4) **OLD BUSINESS:**

A. County Change of Zone No. 05079, from AG Agricultural District to AGR Agricultural Residential District, requested by Lyle Loth of ESP on behalf of Alan Baade, on property generally located northwest of South 82nd Street and Roca Road in Lancaster County, Nebraska. (Removed from Pending April 4, 2006.)

B. County Preliminary Plat No. 05017, Red Cedar Ridge, requested by Lyle Loth of ESP on behalf of Alan Baade, owner, on property generally located northwest of South 82nd Street and Roca Road in Lancaster County, Nebraska. (Removed from Pending April 4, 2006.)

4) **OLD BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded to allow a request from the representative of the developer to withdraw Old Business Item 4A: County Change of Zone No. 05079 and Old Business Item 4B: County Preliminary Plat No. 05017, Red Cedar Ridge. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

C. First Amendment to an agreement with Evercom Systems, Inc., under County Contract No. C-03-0161, for telephone services for Lancaster County Corrections and the Lancaster Correctional Facility. The amendment extends the agreement to December 31, 2008. During the renewal term, the County will receive 45 percent of the gross revenue or a Guaranteed Annual Minimum Commission (GMAC) of \$135,000. The County will also receive certain products, such as trays, carpet and tile, in an amount equal to \$40,000 as part of the renewal with Evercom. (C-06-0118)

D. Second Amendment to an agreement with Evercom Systems, Inc., under County Contract No. C-03-0161, for telephone services for Lancaster County Corrections and the Lancaster Correctional Facility. The amendment allows the Youth Services Center to participate in the agreement for telephone services. Evercom will provide telephone services at the Youth Services Center in accordance with the proposed Statement of Work. The County will receive 35 percent of the gross revenue or a Guaranteed Annual Minimum Commission (GMAC) of \$5,000. The Second Amendment is effective upon execution by both parties and will continue through December 31, 2008. (C-06-0119)

The Deputy Clerk read Old Business Item 4C and 4D together.

MOTION: Heier moved and Stevens seconded approval of a First Amendment to an agreement with Evercom Systems, Inc., under County Contract No. C-03-0161, for telephone services for Lancaster County Corrections and the Lancaster Correctional Facility and approval of a Second Amendment to an agreement with Evercom Systems, Inc., under County Contract No. C-03-0161, for telephone services for Lancaster County Corrections and the Lancaster Correctional Facility. The amendment allows the Youth Services Center to participate in the agreement for telephone services. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

4) **OLD BUSINESS CONTINUED:**

- E. **A resolution to enact a policy regarding the procedure for handling items on 'Pending' on the Board of Commissioners' Tuesday agendas. (R-06-0026)**

MOTION: Workman moved and Stevens seconded approval of Resolution 06-0026 to enact a policy regarding the procedure for handling items on 'Pending' on the Board of Commissioners' Tuesday agendas.

5) **NEW BUSINESS:**

- A. **Applications for Special Designated Licenses from Hillcrest Country Club, located at 9401 "O" Street, to provide liquor beverage service in connection with golf tournaments to be held on the following dates:**

- ▶ Sunday, May 7, 2006 from 7 a.m. to 1 a.m.
- ▶ Sunday, June 4, 2006 from 7 a.m. to 1 a.m.
- ▶ Sunday, July 2, 2006 from 7 a.m. to 1 a.m.
- ▶ Sunday, August 6, 2006 from 7 a.m. to 1 a.m.
- ▶ Sunday, October 1, 2006 from 7 a.m. to 1 a.m.

MOTION: Stevens moved and Heier seconded approval of Special Designated Licenses from Hillcrest Country Club, located at 9401 "O" Street, to provide liquor beverage service in connection with golf tournaments to be held on May 7, 2006, June 4, 2006, July 2, 2006, August 6, 2006 and October 1, 2006. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

- B. **A change order/supplemental agreement with M.E. Collins Contracting Company, Inc. for repair of County Structure No. S-53 located on South 25th Street just north of Wittstruck Road; Project 06-28. The change order will increase the original contract amount by \$36,613.75. (C-06-0128)**

MOTION: Hudkins moved and Stevens seconded approval of a change order/supplemental agreement with M.E. Collins Contracting Company, Inc. for repair of County Structure No. S-53 located on South 25th Street just north of Wittstruck Road. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- C. An agreement with Southeast Community College (SECC) to host the Community Mental Health Center's Staff Training Day on June 9, 2006. SECC will provide the facilities, training equipment, registration support, food catering and guest speaker/trainer. The County will pay \$7,270 for the services. (C-06-0129)**

MOTION: Stevens moved and Workman seconded approval of an agreement with Southeast Community College (SECC) to host the Community Mental Health Center's Staff Training Day on June 9, 2006. SECC will provide the facilities, training equipment, registration support, food catering and guest speaker/trainer. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

- D. An agreement with Joyce Schmeeckle, Ph.D., to develop an assessment and evaluation tool for the horticulture program which operates within the staff secure unit of the Lancaster County Youth Services Center. Term of the agreement is April 1, 2006 through November 30, 2006. The County will pay up to \$3,000 for the services. (C-06-130)**

MOTION: Heier moved and Hudkins seconded approval of an agreement with Joyce Schmeeckle, Ph.D., to develop an assessment and evaluation tool for the horticulture program which operates within the staff secure unit of the Lancaster County Youth Services Center. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

- E. An agreement between Lancaster County, on behalf of the Lancaster County Election Commissioner, and Steve McClatchey for the delivery of voting machines and other miscellaneous equipment to several polling locations for the statewide primary election on May 9, 2006. The agreement will commence upon execution by both parties and will continue until May 12, 2006. The County will pay \$42 per polling location for the delivery services. (C-06-0131)**

MOTION: Workman moved and Hudkins seconded approval of an agreement between Lancaster County, on behalf of the Lancaster County Election Commissioner, and Steve McClatchey for the delivery of voting machines and other miscellaneous equipment to several polling locations for the statewide primary election on May 9, 2006. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

F. Agreement between Lancaster County and Great Plains Appraisal Company, on behalf of Wayne Kubert and Tom Kubert, to provide the services of a referee coordinator to coordinate referees who will hear all property tax protests for the 2006 tax year which are before the Lancaster County Board of Equalization. The coordinator is also responsible for ensuring that all papers related to such protests along with written findings and recommendations are made available to the Board. The referee coordinator will be reimbursed at a rate of \$760 per working day up to \$180,000. (C-06-0140)

Tom Kubert, Great Plains Appraisal, gave a brief overview regarding tax protests for the 2006 tax year.

MOTION: Hudkins moved and Stevens seconded approval of an agreement between Lancaster County and Great Plains Appraisal Company, on behalf of Wayne Kubert and Tom Kubert, to provide the services of a referee coordinator to coordinate referees who will hear all property tax protests for the 2006 tax year which are before the Lancaster County Board of Equalization. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

G. A dental services agreement with Tom Martin, D.D.S. for dental services at the Lancaster County Corrections Department for individuals housed in the County adult jail facilities. Mr. Martin is a licensed dentist and will be paid \$70 per hour for general services, \$20 per hour for instructing medical staff in dental clinic practice and \$75 per hour for time in preparation of trial or in court testimony. Term of the agreement is June 1, 2006 to May 31, 2009 and includes a 90-day termination clause. (C-06-0141)

MOTION: Stevens moved and Heier seconded approval of a dental services agreement with Tom Martin, D.D.S. for dental services at the Lancaster County Corrections Department for individuals housed in the County adult jail facilities. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

H. A grant contract with the United Methodist Ministries-Lincoln (Equity in Nebraska) for funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations while strengthening legal advocacy services for victims of domestic abuse and dating violence, in the amount of \$35,866. Term of the grant contract is January 1, 2006 to December 31, 2006. (C-06-0142)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of a grant contract with the United Methodist Ministries-Lincoln (Equity in Nebraska) for funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations while strengthening legal advocacy services for victims of domestic abuse and dating violence, in the amount of \$35,866. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

- I. An addendum to the Business Associate Agreement-Flexible Benefit Plan Administrative Services Agreement between PayFlex Systems USA, Inc. and Lancaster County. The addendum amends the business associate agreement to ensure compliance with the Health Insurance Portability and Accountability Act (HIPAA) Security Rule. (C-06-0143)**

MOTION: Heier moved and Stevens seconded approval of an addendum to the Business Associate Agreement-Flexible Benefit Plan Administrative Services Agreement between PayFlex Systems USA, Inc. and Lancaster County. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- J. A resolution adopting a Post Employment Health Plan (PEHP) for Lancaster County Deputy Sheriff Captains. (R-06-0029)**

MOTION: Heier moved and Workman seconded approval of Resolution 06-0029 adopting a Post Employment Health Plan (PEHP) for Lancaster County Deputy Sheriff Captains. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

- K. An employer participation agreement between Lancaster County and Nationwide Retirement Solutions for participation in the Post Employment Health Plan (PEHP) for Public Employees. The participation agreement authorizes Nationwide Retirement Solutions to act as the administrator of the plan and establishes a separate Post Employment Health Plan (PEHP) for Lancaster County Deputy Sheriff Captains. (C-06-0127)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of an employer participation agreement between Lancaster County and Nationwide Retirement Solutions for participation in the Post Employment Health Plan (PEHP) for Public Employees. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

L. A resolution in the matter of adopting benefits for Lancaster County Deputy Sheriff Captains, effective the pay period beginning December 23, 2004. (R-06-0027)

MOTION: Heier moved and Hudkins seconded approval of Resolution 06-0027 in the matter of adopting benefits for Lancaster County Deputy Sheriff Captains, effective the pay period beginning December 23, 2004. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

M. A resolution in the matter of adopting benefits for County employees in the Unclassified Service, excluding Deputy Sheriff Captains, effective the pay period beginning December 23, 2004. (R-06-0030)

MOTION: Stevens moved and Heier seconded approval of Resolution 06-0030 in the matter of adopting benefits for County employees in the Unclassified Service, excluding Deputy Sheriff Captains, effective the pay period beginning December 23, 2004. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

N. A resolution establishing the Deputy Sheriff Captains' Temporary Retirement Buyout Program, a temporary retirement buyout program for Lancaster County Deputy Sheriff Captains, effective between March 1, 2006 and August 30, 2008. (R-06-0028)

MOTION: Stevens moved and Heier seconded approval of Resolution 06-0028 establishing the Deputy Sheriff Captains' Temporary Retirement Buyout Program, a temporary retirement buyout program for Lancaster County Deputy Sheriff Captains, effective between March 1, 2006 and August 30, 2008. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

O. A resolution in the matter of extending the deadline for hearing protests regarding real property in Lancaster County from July 25, 2006 to August 10, 2006, pursuant to Neb. Rev. Stat. § 77-1502(1). (R-06-0031)

MOTION: Heier moved and Stevens seconded approval of Resolution 06-0031 in the matter of extending the deadline for hearing protests regarding real property in Lancaster County from July 25, 2006 to August 10, 2006, pursuant to Neb. Rev. Stat. § 77-1502(1). Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

P. A resolution proclaiming April 17 through April 21, 2006 as 'Clean Your Files Week'. (R-06-0032)

Gene Hanlon, City of Lincoln Recycling Coordinator, appeared and stated Saturday, April 22, 2006 was the 36th anniversary of Earth Day and that it is an opportunity for City and County employees to support the environment by recycling.

The Deputy Clerk read the resolution into the record.

MOTION: Stevens moved and Heier seconded approval of Resolution 06-0032 proclaiming April 17 through April 21, 2006 as 'Clean Your Files Week'. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

Q. Approval of a letter of support for a grant submitted by the State Office of Refugee Resettlement (NHHS), in the amount of \$245,660. Lancaster County will receive all of the grant dollars and will be paid \$5,500 for the grant program and oversight. The remainder of the grant dollars will be contracted to agencies working with the population.

Kit Boesch, Human Services Director, appeared and gave a brief overview of the grant.

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of a letter of support for a grant submitted by the State Office of Refugee Resettlement (NHHS), in the amount of \$245,660. Lancaster County will receive all of the grant dollars and will be paid \$5,500 for the grant program and oversight. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

R. Request from Northland Capital for a refund, in the approximate amount of \$696.76, of personal property taxes for 2005.

Norm Agena, County Assessor/Register of Deeds, recommended approval.

MOTION: Heier moved and Stevens seconded approval of a request from Northland Capital for a refund, in the approximate amount of \$696.76, of personal property taxes for 2005. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

S. Reappointment of Larry Hudkins, Tony Messineo, Hena Roy and Ed Schneider to the Lincoln-Lancaster County Board of Health for three year terms to expire April 15, 2009.

MOTION: Stevens moved and Workman seconded approval of the reappointment of Larry Hudkins, Tony Messineo, Hena Roy and Ed Schneider to the Lincoln-Lancaster County Board of Health for three year terms to expire April 15, 2009. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

6) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and Place on File:

1. County Assessor/Register of Deeds Monthly Report for March, 2006.
2. Lancaster Manor's Monthly Report.
3. Records and Information Management's Monthly Report for March, 2006.

6) CONSENT ITEMS CONTINUED:

B. Request from Leena Pumel, an employee with Lancaster Manor, to voluntarily participate in the Lancaster County retirement plan having met the requirements.

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ John and Adrienne Schmidt, in the total amount of \$1,888, on West "A" Street from Southwest 84th Street to the Burlington Sante Fe Railroad; Project C55-M-405(1). (2 contracts) (C-06-0132 and C-06-0133)
- ▶ Herb L. and Bette Jo Linville, in the total amount of \$1,739, on West "A" Street between Southwest 84th Street to the Burlington Sante Fe Railroad; Project C55-M-405(1). (3 contracts) (C-06-0134 through C-06-0136)
- ▶ Daryl Mitchell, in the total amount of \$8,453.80, at approximately Southwest 2nd Street and Panama Road; Project C55-W-403(2). (3 contracts) (C-06-0137 through C-06-0139)

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

7) PENDING: *Items currently on pending may be removed at the discretion of the Board and scheduled for action on a regular Board of Commissioners agenda following a two week notification period.*

MOTION: Workman moved and Hudkins seconded to remove Pending 7F: Vacation of a portion of South 162nd Street located in the Southwest Quarter of Section 26, Township 9 North, Range 8 East, of the 6th P.M., in Lancaster County, Nebraska and send notification to the petitioner. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:32 p.m.. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 18, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:32 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 11, 2006.**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Equalization meeting held on April 11, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 6 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Heier moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Developmental Services of Nebraska, Inc.
First Church of the Nazarene
Lincoln Lancaster County Child Guidance Center
St. Monica's (2 exemption applications)
Villa Marie School
Wyuka Cemetery

MOTION: Stevens moved and Workman seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Heier moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:33 p.m.. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk